

**AN ORDINANCE**

**BY COUNCILMEMBER CEASAR MITCHELL**

 **04-0-0438**

**AN ORDINANCE TO AMEND SECTION 22(b) OF THE ATLANTA HOUSING CODE AND SECTION 17-901(a), CHAPTER 9, PUBLIC NUISANCES, OF THE CODE OF ORDINANCES SO AS TO PROVIDE SAFE AND SANITARY HOUSING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta recognizes the importance of policies and regulations which serve to create, preserve and maintain safe, decent, and sanitary housing; and

**WHEREAS**, the City of Atlanta is committed to regulate and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, welfare, and safety of its inhabitants; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** That Appendix E Atlanta Housing Code of 1987, Article II, Section 22(b) be amended by deleting the existing section in its entirety and by inserting in lieu thereof the following:

(b) *Prohibited Acts.* No owner, operator or occupant of any occupied dwelling shall willfully cause the removal, interruption or discontinuance of any utility service including, but not limited to, water and heating facilities as defined in Section 21(f) during the four month period beginning on the first day of November 1 of each year and ending on the last day of February of the next succeeding year, or any required service or facility, including, but not limited to, operating sanitary facilities (such as toilets, water closets, urinals, etc.) or equipment except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. Failure to comply with this provision is unlawful and shall constitute an offense as provided in Section 18(d).

**SECTION 2:** That Part 17, Chapter 9, Section 17-9013(a), Public Nuisances, of the City of Atlanta Code of Ordinances be amended by deleting the existing section in its entirety and by inserting in lieu thereof the following:

(a) *Conditions Constituting Nuisance.* Any building, structure, enclosure, place or premises is a nuisance where it is perilous to life or property by reason of its construction, condition, quantity of its contents, or its use, or of the overcrowding at any time by persons therein. Other conditions that constitute a nuisance in occupied structures include, but are not limited to the following:

- (1) Lack of running water, operating sanitary facilities (such as toilets, water closets, urinals, etc.) or safe operating primary heating facilities as defined in Section 21(f) of the Atlanta Housing Code during the four month period beginning on the first day of November 1 of each year and ending on the last day of February of the next succeeding year;
- (2) Deficiencies in a structure's fire alarm or fire prevention equipment, or conditions in its construction likely to cause fire or the spreading of fire,
- (3) Conditions that would hamper or impede the fire department in combating a fire in or about the building;
- (4) Conditions of the walls, floors or roof such that the building is likely to fall on account thereof, that would endanger the safety of the general public;
- (5) Any dead or diseased tree or part thereof, which by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow the tree or part thereof onto public ways or public property, or onto private ways or private property (including other trees) off the property of the owner of the tree, and thereby imperil life or property or impede traffic. Upon receiving a written opinion from the city arborist that any tree or part thereof is a nuisance as herein defined, the director, bureau of buildings shall commence abatement proceedings with respect thereto in accordance with subsections (c) and (d) of this section."

**SECTION 3.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.